

Remarks/Arguments

Applicants thank the Examiner for the careful consideration given this application. Reconsideration of this application is requested in view of the above amendments and the following remarks.

Upon entry of the above amendments, Claims 1, 6, 7, 11, and 13-20 will be pending in this application, of which Claims 1, 6, and 14 are independent claims. Claims 2-5, 8-10, 12, and 21-28 will be cancelled upon entry of these amendments.

At page 2, the Office Action makes final a previously-presented restriction requirement. In response, Applicants now cancel non-elected Claims 21-27.

Claims 1 and 17, as amended, include minor corrections of grammatical errors. The amendment to Claim 11 is to change the dependency from Claim 8, which will be cancelled, to Claim 6 (as amended).

At pages 3-4, the Office Action rejects Claims 1-8, 13, and 28 under 35 U.S.C. § 103(a) as being unpatentable over Haartsen et al. (U.S. Patent No. 6,590,928). At pages 4-6, the Office Action rejects Claims 9-11 and 14-20 under 35 U.S.C. § 103(a) as being unpatentable over Haartsen et al. in view of Hall et al. (U.S. Patent No. 6,032,051).

These rejections are either moot or are respectfully traversed for at least the following reasons.

As a first observation, upon entry of the amendments, Claims 2-5, 8-10, 12, and 28 will be cancelled, thus rendering moot their respective rejections.

Claim 1 has now been amended to incorporate the limitations of (now-cancelled) Claims 2 and 5, in alternative form. These limitations respectfully recite that “the communication with the proximally located peer wireless device includes wireless data”

and “the communication with the proximally located peer wireless device includes a short range messaging communication.” Applicants have reviewed Haartsen et al. and have been unable to locate any portion of Haartsen et al. that teaches or suggests either of these limitations. For at least this reason, it is respectfully submitted that Claims 2 and 5 were improperly rejected and that, therefore, Claim 1 as now amended is allowable over Haartsen et al.

Claim 6 has now been amended to incorporate the limitation of (now-cancelled) Claim 8 and the limitations of (now-cancelled) Claims 9 and 10 as alternatives. Thus, Claim 6 now includes the limitations that “the information is a list of wireless device addresses” and that the first wireless communication circuitry is configured to “perform at least one operation selected from the group consisting of: transmitting a find message to determine if an object is within range, the find message including an address from the list of wireless device addresses; and receiving a find message used to determine if an object is within range, the find message including an address from the list of wireless device addresses.” The Office Action, at pages 4-5, refers to Hall et al. (Fig. 12 and col. 5, lines 4-8) as teaching the limitations regarding find messages, drawing an equivalence to the “check status message” of Hall et al. However, a comparison reveals that these are different concepts and that this portion of Hall et al. does not teach the use of find messages, as claimed, for determining if an object is within range.

The term, “find message,” is not a term of art, so one should consult Applicants’ specification to understand its meaning. This meaning is reflected, for example, in paragraph [10114] (which, in the published application, corresponds to paragraph [0142]), where find messages are discussed in the context of “a find feature that permits a

handset to locate objects, including other wireless handsets, that are within range.” This is similarly discussed in several locations in paragraphs [1029] ff. That is, a find message may be used to implement a find feature to locate objects within range.

In contrast, Hall et al., in the cited sections, describes a “check status message” that is used to determine a status of another user. What is meant by status? Applicants have noted the following sections of Hall et al. that discuss what “status” may refer to:

- Col. 1, lines 54-55 (whether or not a second group member is busy);
- Col. 3, lines 29-54 (whether phone A is busy, idle, etc.);
- Fig. 17 and col. 6, lines 54-65 (“I=idle, B=busy, L=lunch, M=meeting, -=phone switched off;” “[a] group can define its own status characters for use in the display.

In other words, it appears that “status” in Hall et al. refers to a concept of availability, rather than a concept of being within range.

It is also noted that col. 4, lines 8-24 includes an output control 81 examining “status inputs” of Fig. 3 (see, also, Fig. 4) “to determine if a status change has occurred in the communication device” and that the status inputs may include “location of the mobile unit from GPS receiver 37 (or cell identification in a cellular system).” However, this is discussing a device’s self-monitoring, and there is no indication that status, *per se*, as communicated within Hall et al., includes anything more than an overall availability.

In view of the above, it is apparent that the “status check requests” in Hall et al. are *not* equivalent to the “find messages” as claimed. Therefore, for at least this reason, it is respectfully submitted that Hall et al. does not teach or suggest the claimed find messages. Furthermore, Applicants have found no relevant disclosure or suggestion in

Haartsen et al. For at least these reasons, it is respectfully submitted that (now-cancelled) Claims 9 and 10 should not have been rejected and that, therefore, Claims 6, 7, 11, and 13 (as amended) are allowable over the cited references.

Claims 14-20 remain pending in this application, of which Claim 14 is an independent claim from which Claims 15-20 depend. Claim 14, as amended, includes the limitation, “transmitting a find message to determine if an object is within range, the find message including at least one wireless device address included in the list of wireless device addresses.” Therefore, it is respectfully submitted that the above arguments in connection with the “find message” are applicable to these claims, as well, and that Claims 14-20 are also allowable over the cited references for at least the same reasons and should not have been rejected.

Applicants may not have presented all possible arguments or have refuted the characterizations of either the claims or the prior art as found in the Office Action. However, the lack of such arguments or refutations is not intended to act as a waiver of such arguments or as concurrence with such characterizations.

Conclusion

Applicants believe that the above amendments and remarks address all of the grounds for rejection and place the application in condition for allowance. Applicants, therefore, respectfully request prompt and favorable consideration of this Response and reconsideration of this application.

If the Examiner believes, for any reason, that personal communication will expedite prosecution of this application, the Examiner is invited to telephone the undersigned at the number provided.

Respectfully submitted,

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